

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) Case No. 1:95-cr-30-01
RICHARD JAMES WITHEROW, JR.)
) JUDGE EDGAR

MEMORANDUM AND ORDER

RICHARD JAMES WITHEROW, JR. (“Supervised Releasee”) appeared for a hearing before the undersigned on September 21, 2011, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”). Those present for the hearing included:

- (1) An Assistant United States Attorney for the Government;
- (2) Supervised Releasee; and
- (3) An Attorney with Federal Defender Services of Eastern Tennessee (“FDS”) for the Supervised Releasee.

After being sworn in due form of law, Supervised Releasee was informed or reminded of his privilege against self-incrimination accorded him under the Fifth Amendment to the United States Constitution. It was determined that Supervised Releasee wished to be represented by an attorney and he qualified for appointed counsel. FDS was appointed to represent Supervised Releasee. It was also determined that Supervised Releasee had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Supervised Releasee be detained without bail pending his revocation hearing before U.S. District Judge Harry S. Mattice, Jr. Supervised Releasee waived his right to a preliminary hearing and a detention hearing.

Findings

Based upon the Petition and waiver of preliminary hearing, the Court finds there is probable cause to believe Supervised Releasee has committed violations of his condition of supervised release as alleged in the Petition.

Conclusions

It is ORDERED:

- (1) Supervised Releasee shall appear for a revocation hearing before U.S. District Judge Mattice.
- (2) The Government's motion that supervised releasee be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Mattice is GRANTED.
- (3) The U.S. Marshal shall transport Supervised Releasee to a revocation hearing before Judge Mattice **on October 12, 2011 at 9:00 a.m.**

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE